

USAWC STRATEGY RESEARCH PROJECT

**HOMELAND SECURITY - THE NATIONAL STRATEGY; U.S. NORTHERN COMMAND'S  
AND THE U.S. NAVY'S ROLES IN HOMELAND DEFENSE AND CIVIL SUPPORT**

by

COMMANDER STEVE FITZGERALD  
United States Navy

Dr. Craig Bullis  
Project Advisor

This SRP is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The views expressed in this student academic research paper are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. Government.

U.S. Army War College  
CARLISLE BARRACKS, PENNSYLVANIA 17013

Report Documentation Page				Form Approved OMB No. 0704-0188	
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE <b>03 MAY 2004</b>		2. REPORT TYPE		3. DATES COVERED -	
4. TITLE AND SUBTITLE <b>Homeland Security - The National Strategy U.S. Northern Command's and the U.S. Navy's Roles in Homeland Defense and Civil Support</b>				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S) <b>Steve Fitzgerald</b>				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) <b>U.S. Army War College, Carlisle Barracks, Carlisle, PA, 17013-5050</b>				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT <b>Approved for public release; distribution unlimited</b>					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT <b>See attached file.</b>					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES <b>26</b>	19a. NAME OF RESPONSIBLE PERSON
a. REPORT <b>unclassified</b>	b. ABSTRACT <b>unclassified</b>	c. THIS PAGE <b>unclassified</b>			



## ABSTRACT

AUTHOR: CDR Steve Fitzgerald

TITLE: Homeland Security - The National Strategy; U.S. NORTHERN Command's and the U.S. Navy's Roles in Homeland Defense and Civil Support

FORMAT: Strategy Research Project

DATE: 19 March 2004      PAGES: 26      CLASSIFICATION: Unclassified

Even though Americans have seen the consequences of terror on their homeland as a result of the attacks in Oklahoma City in 1995 and on the World Trade Center in 1993, the majority of U.S. citizens still could not fathom the contemplation of a true catastrophic attack on our soil until September 11<sup>th</sup>, 2001. In the past, thoughts of disasters and emergencies were limited to small, rare and relatively short-lived incidents primarily related to natural disasters. September 11th presented our nation with a new challenge that is much more complex and difficult to deal with.

This paper will present an overview analysis of two pieces of the overall Homeland Security policy: the National Strategy for Homeland Security and the Department of Defense's (DoD) support roles. The paper will review the Nation's civil defense history since World War II and analyze the recently released National Strategy for Homeland Security. The military's efforts to perform its mission of homeland defense, while homeland security and civil support become increasingly important, will be discussed. The role of the military's support to civil authorities, both before and after a domestic incident, is increasing in complexity and frequency. DoD's current approach to Homeland Security will be discussed and possible new military tasks will be provided. Finally, I will offer recommendations to improve the national strategy and the U.S. Navy's support role to be better prepared to defend the Homeland and provide support to Civil Authorities.



## TABLE OF CONTENTS

ABSTRACT.....	iii
HOMELAND SECURITY - THE NATIONAL STRATEGY; THE U.S. NORTHERN COMMAND'S AND U.S. NAVY'S ROLES IN HOMELAND DEFENSE AND CIVIL SUPPORT .....	1
<b>BACKGROUND</b> .....	2
<b>NATIONAL STRATEGY FOR HOMELAND SECURITY</b> .....	3
<b>ROLE OF THE DEPARTMENT OF DEFENSE IN HOMELAND SECURITY</b> .....	8
OFFICE OF THE SECRETARY OF DEFENSE .....	8
U.S. NORTHERN COMMAND (NORTHCOM) .....	9
U.S. NAVY .....	10
<b>RECOMMENDATIONS FOR THE NATIONAL STRATEGY</b> .....	11
<b>RECOMMENDATIONS FOR NORTHCOM/U.S. NAVY</b> .....	13
<b>CONCLUSION</b> .....	14
ENDNOTES .....	17
BIBLIOGRAPHY .....	19



## HOMELAND SECURITY - THE NATIONAL STRATEGY; THE U.S. NORTHERN COMMAND'S AND U.S. NAVY'S ROLES IN HOMELAND DEFENSE AND CIVIL SUPPORT

Remember, we have to be lucky only once. You will have to be lucky always.

—Irish Republican Army statement after an attempt to kill Margaret Thatcher in 1984

As CNN was covering the overwhelming victory of the United States military in Operation Desert Storm, state and non-state adversaries around the globe were coming to the realization that force on force attack was not the method of choice to achieve their goals of influencing U.S. policy.<sup>1</sup> Enemies understood they could not compete with America's air, land, and sea capabilities in a force on force war and concluded the best way to attack is asymmetrically on soft and highly visible targets. In these closing years of the 20th Century, transnational terror and the proliferation of weapons of mass destruction (WMD) migrated from Nation-States to individual actors. WMD production became easier and more readily available from low-end to high-end capabilities.

During the past decade, numerous asymmetric terrorist attacks have taken place to include Beirut, Somalia, Khobar Towers, USS Cole, and recently the World Trade Center and Pentagon. This non-traditional form of warfare seeks to affect our psychological will by exploiting our freedom and the vulnerabilities that come with a free and open way of life.<sup>2</sup> September 11th caused a fundamental change in the paradigm of homeland security.

Even though Americans have seen the results of terror on their homeland as a result of the attacks in Oklahoma City in 1995 and on the World Trade Center in 1993, the majority of U.S. citizens still could not fathom the contemplation of a true catastrophic attack on our soil until September 11, 2001. In the past, thoughts of disasters and emergencies were limited to small, rare, and relatively short-lived incidents primarily related to natural disasters. September 11th presented our nation with a new challenge that is much more complex and difficult to deal with. Newt Gingrich stated on September 25, 2003 during a Council on Foreign Relations debate that the more than 3000 lives lost on 11 September should be considered as relatively low casualties in comparison to what could happen. He suggested that biological weapons could easily kill more than three million people in a densely populated urban environment.<sup>3</sup>

Many different elements of national power come together to protect the nation. Specific components include the Departments of Defense and Homeland Security, laws and policies, diplomatic efforts, first responders, documents such as the National Security Strategy and consequence management plans, and numerous federal, state and local agencies to name a



few. This paper will present an overview analysis of two pieces of the overall Homeland Security policy: the National Strategy for Homeland Security and the Department of Defense's support roles with primary focus on the U.S. Northern Command's and the U.S. Navy's roles in homeland defense.

To begin, a brief history of how the United States has conducted Civil Defense policy since World War II will be presented. Next, the 2002 National Strategy for Homeland Security will be briefly analyzed focusing on the balance of ends (objectives), ways (methods), and means (resources) to accomplish the strategy. The role of the Department of Defense, with an emphasis on U.S. Northern Command's and the U.S. Navy's missions, in supporting Homeland Security will also be provided. Finally, recommendations will be provided for improvements to the strategy and the U.S. Navy's responsibilities.

## **BACKGROUND**

Upon the Allied victory in World War II, the United Nations was created so the world would never have to experience another large-scale war. Domestically, the United States passed the National Security Act of 1947, which established the National Security Council to provide advice to the President on security matters. Subsequent to the Soviet testing of an atomic bomb in 1949, President Truman created a new government agency called the Federal Civil Defense Administration. This agency had the task to coordinate civil and military defense plans and to prepare citizens for a possible nuclear attack.<sup>4</sup> Emphasis in this effort was placed on local individual preparedness vice federal readiness.

Over the next 30 years, this agency and, for that matter, the nation, only moderately improved civil defense. It was the time of building fallout shelters. Many believe the American people considered that a nuclear attack was so improbable and would be so totally devastating that preparation would only be energy exhausted in vain. Additionally, federal money was being spent on wars in Korea and Vietnam rather than on domestic protection programs. Finally, poor civil leadership at the top and public confusion over what actions the government was actually performing led to an apathetic public.<sup>5</sup> The agency changed names numerous times until in 1979, it became the Federal Emergency Management Agency (FEMA).<sup>6</sup>

Since its inception, FEMA has primarily focused on Natural Disaster response and recovery. Its leadership during the recovery of Miami from Hurricane Andrew in 1991 put FEMA in the forefront of emergency response agencies. Still, until the end of the Cold War in 1989 and right up to the attacks of September 11<sup>th</sup> 2001, America primarily focused its homeland defense efforts on having a strong military and projecting this power forward to deter potential

enemies. At home, the FBI took the lead in investigating terrorist attacks and FEMA was responsible for the eventual recovery.<sup>7</sup>

The perceived enemies during this timeframe were traditional nation-states such as the U.S.S.R. The national strategy was centered on the National Security Strategy, forward deployment, and outspending adversaries. Potential threats were assessed based on missile inventories; submarine, tank and troop movements; and other large signature items that were fairly easy to detect. The mission was accomplished using a strategy of deter and defeat. With the fall of the Soviet Union and increased globalization, America began to use more of a multi-lateral approach in the 1990's via international organizations such as the United Nations and the concept of collective security. Post Cold War technological and economic advances made the United States the clear single world power. By the turn of the 21<sup>st</sup> century, America became the clear hegemon.

### **NATIONAL STRATEGY FOR HOMELAND SECURITY**

Unless we act to prevent it, a new wave of terrorism, potentially involving the world's most destructive weapons, looms in America's future.

—George W. Bush

Since the fall of the "Wall" in 1989, a major shift in the threat to America has taken place. Terrorism has come to the forefront as the tactic of choice for our adversaries and the United States is clearly a primary target. The notion that America's battles would only be fought as "away games" was suddenly questioned on 9-11. During the fog and uncertainty following September 11th, America realized it was not properly organized or prepared for this new "battlefield". Homeland Security clearly jumped to the peak of the priority list for the country. Unity of effort of military and civilian capabilities rose to the top of the list of the many things that needed to be accomplished. The 2002 National Security Strategy focuses on terrorism and lists Homeland Security as a vital national interest. President Bush established the Office of Homeland Security on October 8, 2001 with the responsibility for writing the *National Strategy for Homeland Security*. In July of 2002, the Administration released the first ever *National Strategy for Homeland Security*. The strategy was obviously released ten months after the attacks of 11 September, but it is also important to note that the strategy was published four months prior to the Homeland Security Act of November 25, 2002, which established the Department of Homeland Security (DHS).<sup>8</sup> The strategy was being developed at the same time as the organization to implement it was being formed.

The *National Strategy for Homeland Security* was developed to be the national level integrated strategic approach to protecting the United States and was shaped with the use of eight basic principles:

1. Establishment of responsibility and accountability;
2. Mobilization of the whole society;
3. Management of risks and resources;
4. Exploitation of opportunities that come from solving this adversity;
5. Ensuring the plan remains flexible and dynamic;
6. Creation of benchmarks and performance measures;
7. Long term sustainability; and
8. The constraint of government spending.<sup>9</sup>

The intent of the 90-page document is to provide a comprehensive, *national* vice *federal* strategy to protect the United States from terrorists. Shared responsibility at all levels of government is a key component for the strategy to be effective. The document emphasizes that while the federal government is the primary entity responsible for taking the lead and providing the plans, funds, and priorities for this security, the country's critical assets and populace will never be fully protected without the complete cooperation of everyone at all levels to include state and local governments, private organizations, and individual citizens.<sup>10</sup>

There are three key strategic objectives ("ends") of the strategy. In order of priority, the first goal is to prevent terrorist attacks before they occur. This objective focuses on eliminating terrorism globally before it has the chance to strike America. Deterrence, dissuasion, prevention, and preemption are critical to this objective's success. The second goal of the strategy is to reduce America's vulnerability to terrorism. Vital to obtaining this objective is the identification of key targets and critical infrastructure and then taking steps to minimize the potential vulnerabilities. The harder it appears to terrorists that they will be able to succeed, the more likely they will be dissuaded from attempting the attack in the first place. The final "end" or objective that the strategy sets out to achieve can be broken down into two parts; first to minimize the damage from an attack, and secondly to quickly recover from attacks that do occur. The current term used for this objective is *consequence management*. This last objective of the strategy recognizes not all attacks will be prevented and the United States must be prepared to respond quickly and effectively in order to minimize the damage (physical, psychological, and economic). The country must be prepared to repair and recover from the damage in a timely manner.<sup>11</sup>

One of the primary methods (“ways”) that the strategy laid out for accomplishing the above objectives was the establishment of the Department of Homeland Security and the clear recognition that the strategy must be organized in a manner to make the security of the homeland a national effort with many layers of protection. These “ways” are broken down further into six critical mission areas: (1) intelligence and warning; (2) border and transportation security; (3) domestic counter-terrorism; (4) protecting critical infrastructure; (5) defending against catastrophic terrorism; and (6) emergency preparedness and response. The first three mission areas focus on accomplishing the first objective of preventing the attacks, the fourth and fifth mission areas describe how to accomplish the second objective of reducing vulnerabilities, and the final critical mission area will be the primary way to accomplish the third objective of minimizing damage and, ultimately, recovery.<sup>12</sup>

The policy further breaks down these big picture “ways” into subcategories for each of the six critical mission areas. For example, the strategy takes the area of Border and Transportation Security and describes the following sub goals or initiatives: creating “smart borders”, reforming immigration services, recapitalization of the Coast Guard, and increasing the security of shipping containers. The strategy lists similar initiatives for each of the other five critical mission areas.<sup>13</sup>

The resources (“means”) available for accomplishing this strategy are numerous. From the 180,000 people in the reorganized and combined 22 mutually supporting agencies of the Department of Homeland Security, to local governments, to private organizations, to individual citizens.<sup>14</sup> Resources behind the “means” include federal and state budgets, personnel, equipment, and the will of the American people to sustain the strategy.

Additionally, the strategy details four overarching “means” to achieve the “ways”. First, enforcement of existing laws and the implementation, as needed, of new laws will be used to safeguard the nation. One such example is the review of the Posse Comitatus Act to allow for more flexible use of the military in domestic law enforcement. Secondly, the inherent science and technology advantage that the United States possesses will be exploited to improve security (e.g. biometric technology and vaccines). Next, improved information sharing and systems will be used by all departments to reduce information gaps among government agencies and first responders. International cooperation is the last foundation identified by the strategy as a key component for success. Examples include international law and engagement and identification of fraudulent travel documents.<sup>15</sup>

Finally, the prioritization and realignment of resources detail the manner in which the policy will be funded with limited budgets. The following is a list of the priorities the strategy lays

out for the 2003 budget: (1) support first responders; (2) defend against bio-terrorism; (3) secure America's borders; and (4) use 21<sup>st</sup> century technology to secure the homeland.<sup>16</sup> The recently approved 2004 budget of \$31 billion continues to fund the 2003 items plus adds additional items to further develop our national capabilities. Selected initiatives of these new priorities include: (1) enhancement of FBI analytic capabilities; (2) improvement of shipping container security; (3) \$600 million dollar increase to the U.S. Coast Guard budget of \$3.3 billion;<sup>17</sup> (4) development of broad spectrum vaccines; (5) integration of information sharing; and (6) better sensors for nuclear weapons.<sup>18</sup>

The proof of the success of the strategy is yet to be determined. Just as the strategy should not be judged as perfect in the absence of attacks, it also should not be judged as imperfect should attacks occur. How then, can this strategy be evaluated as being on the correct track? Just over a year has passed since the strategy was published and once the partisan, political views are discarded, there are mixed feelings on its success to date.

Even prior to the attacks on 11 September, numerous public and private organizations, task forces, and commissions were calling for increased focus on homeland security policy. The Hart-Rudman led U.S. Commission on National Security released a report in March of 2001 with 15 recommendations for improving homeland security.<sup>19</sup> Several of the recommendations were actually incorporated into the *National Strategy for Homeland Security* to include the writing of a comprehensive strategy that focused on protection from, and response to attacks, consolidation of several agencies to form the DHS (this report proposed the name of National Homeland Security Agency), increased investment in science and technology, and improved intelligence gathering for homeland security matters.<sup>20</sup>

The ANSER Institute offered several publications on development of a national strategy well before the events of 9-11. Key areas of concern for this organization included the development of a national strategy that focused on linking federal, local, and state plans, intelligence sharing, listed priorities, education and training programs, and defining what success means. Measured progress and accountability were also listed as key components of a homeland security strategy.<sup>21</sup>

Dr. David McIntyre, also of ANSER, proposes that the strategy as written does a good job of detailing what initial actions must take place and who must execute those actions. He also feels the strategy emphasizes the need for a national vice federal plan with limited government intervention.<sup>22</sup> In his opinion, efforts are adequately prioritized and accountability is well laid out. The four foundations of Law, Science and Technology, Information Sharing and Systems, and International Cooperation give the strategy a long term approach in his opinion.<sup>23</sup>

However, McIntyre does point out several key items that he feels are missing from the strategy. For example, while the strategy discusses the education and training needed for first responders, it leaves out the discussion of a need for long-term training of senior leaders in homeland security.<sup>24</sup> Additionally, he reveals that no mention is made of creating a budgeting system similar to the military's for developing long term requirements.<sup>25</sup> Finally, McIntyre makes a strong argument against the strategy's plan to combine the crisis and consequence management functions into a single Incident Management Plan. He argues that these functions are uniquely distinct from command and control requirements to the variety of disciplines needed for execution.<sup>26</sup> He surmises that the plan although large and complex does provide a useful path to navigate amongst the numerous obstacles.

While the strategy itself points to information sharing as critical to the success of homeland security, one recent panel concluded that intelligence and information sharing has only marginally improved and remains problematic.<sup>27</sup> A survey conducted by the General Accounting Office cites a very poor response from government officials when asked whether information sharing had improved since 9-11. Billions of dollars are being spent without sufficient priorities, standards or metrics to measure progress. While the strategy mentions performance measures, it does not define what those measures should be.<sup>28</sup> However, this same report applauds the idea of creating a single agency (DHS) that can serve as the lead organization and the fact that the strategy does provide an initial comprehensive vision from which to depart.<sup>29</sup>

A Center for Defense Information report cites the numerous proposals the strategy provides to improve homeland security and the push for international cooperation. However, the author has great concern over the lack of priorities provided and the perception abroad that while the strategy calls for cooperation, the Bush administration appears to be using unilateralist's methods to accomplish its goals.<sup>30</sup> A consistent theme provided by a majority of the critics is the need for clear priorities and standards.

In summary, while it is clear that Homeland Security has become a top priority of the American people and its government, the government cannot do it alone. It will take the efforts of everyone across the nation from first responders to state officials to government agencies to the U.S. Military. The military specifically will need to look at how it can better organize, equip, and train to play a much more crucial part on this new "battlefront".

## **ROLE OF THE DEPARTMENT OF DEFENSE IN HOMELAND SECURITY**

While the National Strategy for Homeland Security was being written and the Department of Homeland Security formed, the Department of Defense began looking at ways to better improve its ability to perform a major supporting function to the national effort. The DoD has a long history of playing a vital role in Homeland Security. The first line of defense in protecting the homeland against terrorism is to prevent the rise of threats overseas; to disable the threats before they attack the U.S.; to defeat any attack; and to minimize the damage that an attacker can carry out. U.S. forces forward deployed around the world are the outer most ring of homeland defense.

At home, DoD's responsibility falls into the two categories of homeland defense and civil support. Homeland defense is the use of the military to protect America's people, assets, and defense infrastructure from external threats. Civil support is defined as military support to lead federal agencies in response to domestic emergencies.

Civil support is broken down into three areas. 1) Military Assistance to Civil Authorities is provided for natural and manmade disasters and emergencies or special security events when local and state resources are not available or have been exhausted. Examples of this type of assistance include Hurricane Andrew relief or support to the Olympics. 2) Military Support to Civil Law Enforcement is used for border patrol assistance, counter drug efforts, special security events and general training support. 3) Military Assistance for Civil Disturbances provides support during times of civil unrest.

The Secretary of Defense, Donald Rumsfeld, describes the three circumstances where the military may be used in homeland defense and civil support missions as 1) extraordinary such as combat air patrol, 2) emergency such as a natural disaster or terrorist attack, and 3) non-emergency, temporary circumstances of limited scope or planned duration such as the Olympics.

## **OFFICE OF THE SECRETARY OF DEFENSE**

The primary mission of the military remains to be ready and able to fight and win the Nation's wars. However, the unique capabilities of the military also make it an excellent resource for homeland security missions. From defending U.S. territory against outside aggression to providing support to local, state, and federal authorities during domestic emergencies, the military is well equipped, trained and dispersed across America.

In order to better support the emerging homeland security effort, DoD has reorganized in several key areas. In the past, the Secretary of the Army served as the executive agent in

coordinating homeland defense and civil support missions. A recent change that has been made in the Office of the Secretary of Defense is the creation of the Assistant Secretary of Defense for Homeland Defense. The duties of this office are to provide overall supervision and policy coordination for homeland defense and civil support missions. This office will provide policy coordination between the Chairman of the Joint Chiefs of Staff (CJCS) and Northern Command (NORTHCOM) as well as serve as DoD's link to the Department of Homeland Security (DHS).

A second change is the creation of the Under Secretary for Intelligence to serve as the principle intelligence official within DoD. DoD's intent is the major reorganization of defense intel oversight to provide better coordination of defense intelligence requirements with those of the FBI, CIA, and other intelligence gathering agencies. The result of the improved coordination will enable quicker and more accurate decisions to be made regarding national defense including homeland security.

#### U.S. NORTHERN COMMAND (NORTHCOM)

Combatant Commanders (CoCom) are responsible for geographic and functional areas of the world under the Unified Command Plan. U.S. Northern Command (NORTHCOM) was created in October 2002 as a new CoCom to have responsibility for protecting North America by improving the command and control, planning, training, and use of military forces used in homeland defense and civil support missions. A key difference in NORTHCOM from the other CoComs is the fact that NORTHCOM integrates at its core the government and landmasses of the United States and is therefore responsible for the continuity of operations and the continuity of government functions. NORTHCOM's primary mission is to prevent or defeat an enemy attack before consequences are incurred that must be remediated. The defense is broken down into the areas of air, land, and maritime.

The air and space defense capabilities are fairly mature and robust under the guidance of North American Aerospace Defense Command (NORAD). Very few land forces are assigned permanently to NORTHCOM and the land defense side of NORTHCOM is constrained by several factors. America has a long history of being against the military's use for domestic defense purposes. The feeling has always been that civilian law enforcement officials, and not the military, should protect the physical security of U.S. citizens domestically. Military forces should only be used when in extremis and only then under the control of civilian authority. Therefore, the national strategy for domestic land defense has been to defer to the local and state municipalities and to use local civilian authorities (first responders) initially, the National



Guard called upon by the Governor as a backup, and Title 10 active duty military units as the last resort. The maritime defense responsibilities and capabilities are also fairly immature and the concept of operations is still being worked out between the U.S. Navy and Coast Guard.

Whereas the first half of NORTHCOM's mission is a lead role in homeland defense, the second half of their mission is to provide civil support to lead federal agencies when needed. This mission is initiated when a state governor requests assistance via the Stafford Act. The Department of Homeland Security will take the lead (usually assigned to FEMA) and a Federal Control Officer will determine that DoD support is needed if, (1) the military possesses a unique capability that is required, or (2) civil capabilities are overwhelmed. If need is determined, troops will be assigned by Joint Forces Command to NORTHCOM and DoD will retain complete command and control of the military assets.

DoD possesses numerous specialized capabilities that may be used to support civilian authorities. Joint Task Force Civil Support (JTF-CS), explosive detection, Chemical Biological Radiological response units in the Marine Corps and Army, and Weapons of Mass Destruction Civil Support Teams (WMD-CSTs) in the National Guard are examples of some of these specialized capabilities. WMD-CSTs are funded and trained using federal dollars but remain under the operational control of the state governor's Adjutant Generals. Requests for military support are evaluated against the following criteria: (1) Legality with respect to applicable law; (2) Impact to readiness of the military in performing its primary mission; (3) Lethality; (4) Risk to the safety of the military; (5) Cost and impact to the budget; and (6) Appropriateness of DoD to perform the mission. Examples of military support to lead federal agencies include crisis management support to the FBI and consequence management support to FEMA.

The U.S. Navy has been given the NORTHCOM mission of defending U.S. assets from maritime threats and the coordination of efforts with the U.S. Coast Guard. Additionally, the U.S. Navy has been tasked to deter and defend against hostile action from maritime threats by providing defense in depth that is seamless, unpredictable to our enemies, and able to defeat threats far forward from U.S. territory. The U.S. Navy has forces on both coasts and the Gulf of Mexico.

#### U.S. NAVY

With more than 95,000 miles of open shoreline, more than 13 million registered U.S. boats, and very limited existing underwater and surface sensing capabilities, the task of obtaining and maintaining an adequate situational awareness picture of the maritime domain is nearly impossible. More than 19,000 cargo containers arrive in U.S. ports each day and less

than 3% are actually inspected. Of the 361 U.S. seaports, only a few are publicly owned by the government and therefore are difficult to centrally control and manage. For a cost of approximately \$3,000, anyone in the world can pack a 20-foot container and send it to an address in America.

The economic impact of a terrorist attack on a U.S. port could be staggering. The West Coast longshoreman 10-day labor dispute lockout in 2002 cost the U.S. economy approximately \$1 billion a day. Added container inspections alone have the potential of greatly slowing down commerce and affecting the economy without a terrorist event ever occurring. Maritime efforts are now in a reactive mode and need to be designed and tailored to find and interdict threats by shaping the battlefield to become more proactive.

## **RECOMMENDATIONS FOR THE NATIONAL STRATEGY**

So where do policy makers go from here? How should limited resources best be allocated so that every dollar that goes towards Homeland Security is best spent? What impediments still exist that could hinder the national strategy? To gain the most benefit, the strategy must set priorities and standards from which to begin. It must also establish methods to share the numerous intelligence assets that are available. Scarce resources must be prioritized, partnerships developed, and dual use equipment technology leveraged. Finally, existing laws that could cause impediments to the strategy must be reviewed and modified as needed.

1. Priorities and Standards: Policy makers should ensure they do not over mitigate or react too abruptly. For example, public tours of the White House or visits to the top of the Statue of Liberty are no longer allowed. How far do we take this new level of protection? How much do we spend? Industry and commerce cannot be brought to its knees due to unnecessary bureaucracy. Secretary Ridge (Department of Homeland Security) stated that some of the x-ray machines recently installed in airports would need to be relocated. Is this because we reacted too quickly without appropriate risk analysis? We cannot afford to waste our limited resources. Are we spending too much on air security and too little on port and container security? Again, priorities and risks need to be analyzed prior to expending non-returnable money. The overall strategy should not be panic driven. Once the federal government establishes standards, then funds can be tied with compliance. Just as the military would do wrong to base its future strategy solely on the last war, homeland security policy must use comparable critical thinking to prevent developing a plan based solely on response to a recent crisis.

Similar to requirements in the 70's and 80's for companies to implement minimum standards to ensure they were being good stewards of the environment, standards need to be embedded for homeland security development from the beginning. For example, a financial institution should be required to have backup plans prior to an emergency. Total Quality Management methods taught us that we should look to improve quality throughout a project and not just focus on the end product. Homeland security should be looked at as a continuous, incremental improvement journey.

2. Intelligence Sharing: The national strategy depends on the sharing of intelligence to be successful. Something stronger than the hope that the required intelligence will be shared is needed. It is not natural for an agency to share information with another organization; therefore, at a minimum, guidelines need to be developed establishing what will be shared, when, and how it will be pushed out to state and local authorities. An approach would be to establish a National Counter-Terrorism Center and make it responsible for producing and distributing comprehensive strategic assessments of threats to U.S. interests.<sup>31</sup> With so many agencies currently addressing intelligence gathering and dissemination, the policy needs to clearly define who has responsibility for what. Leaders at all levels could be haphazardly trying to figure out what the problem is and how to solve it. This approach could lead to gaps and seams in the security layers needed for protection of the homeland.

3. Limited Resources: To mitigate risk and ensure that appropriate budgets are allocated for the right program, assessment priorities must be established. A military style risk assessments analysis approach should be used. Threats, vulnerabilities, and criticalities must be identified, ranked, and evaluated so that procedures can be developed and implemented to better allocate resources. For example, although bridge protection is important, not every bridge in America should have the same threat or priority level. The strategy's plan to possibly increase measures to safeguard more information from the public and private sector could also have unwanted effects. A continuous balancing act must be maintained between the risks to commerce versus the risks to security.

Dual use equipment and training available in multiple agencies need to be identified and taken advantage of in order to stretch these same limited resources. The \$31 billion dollar budget appears inadequate to cover the broad objectives laid out in the NSHS. The DHS must develop long-range budget requirements and submittal processes. Sustainable strategic partnerships must be generated at all levels and especially between DHS and DoD, DoD and NORTHCOM, and NORTHCOM with local and state authorities.

4. Posse Comitatus Act (PCA) Implications: The PCA was established in 1878. The definition of Posse is the right of the County Sheriff to enlist males to help enforce the law; and the definition of Comitatus is clients who protected roman officials. A quick summary of the PCA is that military forces should not be used to directly enforce the law unless the Constitution or an Act of Congress expressly authorizes it. It is legal, however, for the military to provide indirect support to a law enforcement organization such as technical advice and logistics support. Additional exceptions authorized in the Constitution and by Acts of Congress that detail when the military may be used include insurrections against the government, unlawful obstructions that prevent the enforcement of Federal Law, and domestic violence that interferes with civil rights. Once the President issues an Executive Order authorizing the use of the military in law enforcement actions, the military must be made aware of the appropriate rules of engagement (ROE) with the civilian populace. Other guidelines that are important to remember include civilian control remains in effect, state and local forces should be used first, and normal civilian functions, such as long-term detention, should be avoided by the military.

With the increased likelihood of situations needing military assistance to civilian authorities in the future, Posse Comitatus Act questions need to be answered and thoroughly understood by military leaders. Terrorism and the possible use of weapons of mass destruction (WMD) create the potential for chaos so the military must be trained for such situations and ready to answer the call for support. In order to perform properly, the military needs to be educated on the PCA and trained in the proper execution of certain law enforcement operations. NORTHCOM should take the lead and training frequency in this area should be increased.

#### **RECOMMENDATIONS FOR NORTHCOM/U.S. NAVY**

U.S. Northern Command is DoD's lead agent in providing homeland defense and support to civil authorities in homeland security matters. Under NORTHCOM, the U.S. Navy has the lead role in the maritime defense of the nation. To carry out this mission successfully, several key areas must be further developed. First and foremost, clear lines of responsibility must be developed between the Navy and the Coast Guard. Once areas of responsibility are well known, a layered defense approach to securing our nation's ports must be established. Finally, efforts must be made to improve the maritime domain situational awareness so the Navy and Coast Guard are working from a common operational picture.

1. Shared Lead: Port security alone is not enough and the maritime defense portion of the NORTHCOM mission needs to become much more robust. The U.S. Navy should take the lead operational role in the defense of America's coastlines from a point of three miles and

beyond, and the Coast Guard should take the lead role for three miles and inland. Each service could then serve in a supporting status when the other service has the lead. A global response plan and international cooperation agreements need to be put in place to interdict threats at points of debarkation overseas. A global effort to provide sophisticated real time container tracking systems also needs to be developed to provide a common operating picture to both the blue water Navy and the Coast Guard.

2. Layered Defense: Inspecting the containers in the port is too late. A more centralized approach to entering our nation's ports, similar to airport security, needs to be taken. Defense must be layered to push the borders out as far as feasible so that threats may be detected as early as possible. A maritime interception program needs to be developed and implemented that provides maximum situational awareness of container ships as far from U.S. ports as possible. To work within the constraints of international law of the high seas, a policy that requires ship's captains to provide a 96-hour notice before entering a port could be required. Voluntary approval consent to search conditions to enter U.S. ports, similar to the voluntary consent to search of citizen's luggage at the airport as part of the condition to be allowed to fly, should be established.

3. Maritime Situational Awareness: To improve the maritime situational awareness in homeland security, databases need to be developed that identify low risk, well known shippers. This database would allow the inspectors to direct their limited resources and time toward unusual, out of the ordinary, high-risk containers. Intelligence methods and technology must continue to be improved to know which containers to inspect. Lessons learned from several years of counter drug operations by the Navy and Coast Guard should be applied to counter terror operations. Protocols must be established for information sharing among all government agencies to improve situational awareness.

The Navy's common operating picture as well as its maritime domain situational awareness must be greatly improved. A maritime domain surveillance system and database should be established that pulls from existing systems in a seamless manner. The maritime domain awareness improvements should include fusing together national level intelligence, law enforcement data, and commercial information to improve container security, tracking, surveillance, and ultimately military force if necessary.

## **CONCLUSION**

He who ends up trying to defend everything, ends up defending nothing

—Frederick the Great of Prussia

Historically, defense has centered on deterring or defeating physical attack far beyond our borders. Our geographic good fortune and two large oceans placed us outside the reach of most threats to the homeland. Now, computer hackers, terrorists, and biological viruses make the means for attack widely available, cheap, and hard to detect. It is clear that America's enemies see the United States as part of their battlefield and an infinite number of targets can be attacked by numerous different methods. The purpose of this paper is to provide an overview of the nation's homeland security strategy, a quick analysis of DoD's role in supporting this strategy, and some recommendations to the strategy and the Navy's portion of the mission.

The *National Strategy for Homeland Security* was written to put some coherence on a very huge undertaking. However, it must be iterative and constantly reviewed and improved. Numerous proposals are presented in the strategy, but now we must actually implement, study, and learn from these requirements.

While the *National Strategy for Homeland Security* lays out a strategic framework to begin the focus of national attention, there is no conceivable way that a single document can ensure a plan that will never fail at protecting the American people from the wide range of vulnerabilities posed by terrorists or natural disaster. This plan does, however, point out general directions for an overarching strategy. It will be cost prohibitive to eliminate every risk; therefore, hard choices must now be made on where to allocate short and long term resources.

The Department of Defense and power projection are key parts of the strategy to provide security of the homeland. DoD has the two missions of homeland defense and civil support and has reorganized in many areas to include the establishment of NORTHCOM and the Office of the Assistant Secretary of Defense for Homeland Defense. Starting forward with the prosecution of the war on terrorism, defense of the nation at home, and support to civil authorities as needed, the military is pivotal in the prosecution of the National Security Strategy to assure our allies, dissuade our adversaries, deter against aggression, and decisively defeat any threat should deterrence fail.

The open blue water must be maximized for use as a battle space against terrorism. NORTHCOM and the U.S. Navy should have the lead in the open ocean with the Coast Guard in a support role; and as the threat gets closer to shore, a transition should occur shifting the lead role of law enforcement to the Coast Guard. It is in the transition area that roles and responsibilities need to be well established and exercised. NORTHCOM needs to overcome its maritime homeland security limitations and improve upon its capabilities in the area of maritime homeland defense situational awareness.

WORD COUNT= 6436

## ENDNOTES

- <sup>1</sup> Protecting the Homeland; Insights from Army Wargames; RAND; 2002; p38.
- <sup>2</sup> Ibid., 19.
- <sup>3</sup> Council on Foreign Relations; Debate on U.S. National Security Strategy; September 25, 2003; Washington D.C.; p19.
- <sup>4</sup> Laura McEnaney, *Civil Defense Begins at Home*, Princeton University Press, 3.
- <sup>5</sup> Harry Yoshpe, *Our Missing Shield, The US Civil Defense Program in Historical Perspective*, Washington, D.C., 1981, 17-19.
- <sup>6</sup> Ibid., ii.
- <sup>7</sup> Jim Garamone, "A Short History of Homeland Defense", *DefenseLink*, October 2001.
- <sup>8</sup> *Homeland Security Act of 2002. Public Law 107-296*. (November 2002).
- <sup>9</sup> George W. Bush, *The National Strategy for Homeland Security*, (Washington, D.C.: The White House, July 2002), 3-4.
- <sup>10</sup> Ibid., 11-14.
- <sup>11</sup> Ibid., 2-3.
- <sup>12</sup> Ibid., 15-46.
- <sup>13</sup> Ibid., 22-23.
- <sup>14</sup> Ridge, Thomas, "Homeland Security", lecture, Carlisle Barracks, PA, U.S. Army war College, 16 October 2003 lecture on 16 Oct 03.
- <sup>15</sup> George W. Bush, *The National Strategy for Homeland Security*, 47-62.
- <sup>16</sup> Ibid., 63-68.
- <sup>17</sup> Captain Scott Rein, U.S. Coast Guard, conversation 12 October 2003.
- <sup>18</sup> George W. Bush, *The National Strategy for Homeland Security*, 69.
- <sup>19</sup> U.S. Commission on National Strategy/21<sup>st</sup> Century. *Roadmap for National Security: Imperative for Change*. (Washington D.C.: U.S. Government Printing Office, March 2001).
- <sup>20</sup> Ibid., 118.
- <sup>21</sup> David Ruth, ANSER; *Homeland Security: Building a National Strategy*, July 2002, 3.
- <sup>22</sup> David McIntyre, "The National Strategy for Homeland Security: Finding the Path for the Trees.", ANSER Institute for Homeland Security, July 2002, 1



<sup>23</sup> Ibid., 6.

<sup>24</sup> Ibid., 8.

<sup>25</sup> Ibid., 7.

<sup>26</sup> Ibid., 9.

<sup>27</sup> RAND, "The Fourth Annual Report to the President and the Congress of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction", December 2002, 29.

<sup>28</sup> Ibid., 36.

<sup>29</sup> Ibid., 37.

<sup>30</sup> David Isenberg, "The Bush Homeland Security Strategy: A Mixed Bag", Center for Defense Information, July 2002, 2.

<sup>31</sup> Rand., 40.

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